

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
AT CHARLESTON

UNITED STATES OF AMERICA

v.

CRIMINAL NO. 2:20-00154

JASON MICHAEL TERRELL  
CAROL BELTON  
STEVEN MATTHEW BUMPUS  
JIMMIE LEE COLEMAN  
ROGER JAREA DRAKE  
RASHAWN AKMED MILLER  
CRAIG EDWARD REDMAN  
TONYA NICOLE SIMERLY  
RONALD LEE THOMAS, III

**MEMORANDUM OPINION AND ORDER**

Pending before the court is the amended motion of defendant Rashawn Akmed Miller to continue the trial and all related deadlines. (ECF No. 210). Trial is currently scheduled for February 2, 2021, and counsel was formally appointed to represent defendant on December 11, 2020. In support of defendant's motion and the need for a continuance, counsel for Miller states that she needs additional time to review the voluminous discovery provided by the government and meet with her client, who was only transported to this district on December 9, 2020. Defendant requests a continuance of approximately ninety (90) days (on or after April 12, 2021). The government does not oppose defendant's request for a continuance.

Because failure to grant the requested continuance would likely result in a miscarriage of justice, the court finds that the ends of justice outweigh the best interest of the defendant

and the public in a speedy trial, see 18 U.S.C. § 3161(h)(7)(A), and **GRANTS** the defendant's motion to continue.<sup>1</sup> In deciding to grant the motion to continue, the court considered the factors outlined in 18 U.S.C. §3161(h)(7)(B) and found that failure to grant a continuance would deny counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Accordingly, the court hereby **ORDERS** as follows:

1. Trial of this action is continued until April 27, 2021, at 9:30 a.m., in Charleston. Jury instructions and proposed voir dire are to be filed by April 20, 2021;
2. All pretrial motions are to be filed by April 5, 2021;
3. A pretrial motions hearing is scheduled for April 12, 2021, at 11:00 a.m., in Charleston;
4. Pursuant to 18 U.S.C. § 3161(h)(7)(A), the time from the filing of the motion until the trial is excludable for purposes of the Speedy Trial Act.<sup>2</sup>

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<sup>1</sup> The original motion to continue (ECF No. 209) is **DENIED** as moot.

<sup>2</sup> The court notes that, for purposes of determining compliance with the Speedy Trial Act, "in cases involving multiple defendants only one speedy trial clock, beginning on the date of the commencement of the speedy trial clock of the most recently added defendant, need be calculated under 18 U.S.C. § 3161(h)(7)." United States v. Piteo, 726 F.2d 50, 52 (2d Cir. 1983); see also United States v. Walker, Nos. 95-5914, 96-4247, 96-4110, 1997 WL 358770, \*3 (4th Cir. June 30, 1997) (quoting Piteo).

The Clerk is directed to send a copy of this Memorandum Opinion and Order to counsel of record, to the United States Marshal for the Southern District of West Virginia, and to the Probation Office of this court.

IT IS SO ORDERED this 23rd day of December, 2020.

ENTER:

A handwritten signature in black ink, reading "David A. Faber", is written over a horizontal line.

David A. Faber

Senior United States District Judge